EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Prakash Subbiah on 07/20/2011.

The application has been amended as follows:

Please replace the Abstract with the attached Abstract on a separate sheet of paper in accordance with 37 CFR 1.71(f)

Cancel Claims 14-27.

Claims 1, 3, 9-12 and 28 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Fontenot *et al.* (2003) does not teach or suggest the use of CD3 as a cell surface marker for the identification of lymphocytes for use in a beryllium sensitivity proliferation assay. Jabbour *et al.* (2002), while teaching the use of CD3 and CD4 as

cells surface markers for T-cells also teaches that exposure to beryllium caused a selective stimulation of CD4 T-cells since the majority of proliferating cells were CD4 cells (Abstract). This would indicate a teaching away from the use of CD3 as the cell surface marker for a subpopulation of T-cells for use in a beryllium sensitivity proliferation assay as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL MARTIN whose telephone number is (571)272-3348. The examiner can normally be reached on M-F 12pm-8pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Liu can be reached on 571-272-5539. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul C Martin/
Examiner, Art Unit 1653
07/19/2011

/Rebecca E. Prouty/
Primary Examiner,
Art Unit 1652

ABSTRACT

This invention provides methods for determining metal-induced sensitivity of a subject and kits for affecting the same. Specifically, the invention provides methods for using immune cell proliferation resulting from exposure to test metals as a method for determining metal-induced sensitivity in subjects.